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wherein the screws of the first and second control pedals are operatively connected to the motor in series such that the screw of the second control pedal is connected to the motor and the screw of the first control pedal is connected to the screw of the second control pedal;

wherein the sensor is spaced-apart from the motor and located near the screws connected in series.

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22. (amended) The control pedal assembly according to claim 21, wherein the control system includes another sensor located near the screws connected in series.

#### REMARKS

In the Office Action mailed August 16, 2002, the Examiner rejected claims 1 to 36. The rejections are each respectfully traversed. This Amendment "A" cancels no claims, amends claims 1, 7, 8, 10, 17, 20, 21, and 22, and adds no new claims. Accordingly, claims 1 to 36 remain pending in this application.

Claims 8, 9, 17, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 8 and 17 have been amended to remove the limitations that the sensor senses rotation of the motor. It is respectfully submitted that the specification, as originally filed in application no. 09/492,636, describes the invention as defined by claims 19 and 20. For example, the specification clearly states that the sensor can be "a sensor detecting rotational movement between the upper and lower arms". See Patent 6,352,007, column 10, lines 30 to 32. Reconsideration and withdrawal of the rejection is requested.

Claims 8, 9, 21, and 22 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite because "the control device" in claims 8 and 21 lacks antecedent basis.

Claims 8 and 21 have been amended to remove "the control device". Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 6 were rejected under 35 U.S.C. 102(2)(b) as being anticipated by Rixon et al. (US 5,722,302). The assembly of Rixon et al. includes potentiometer module 84 which is directly attached to the motor 41 at the end of the motor opposite the output shaft. Assembled in this manner, the potentiometer module 84 generates a signal representing the out put, by way of revolutions, of the motor. If a connection between the cable 42 and the motor drive shaft was slipping or completely removed from the motor drive shaft, the CPU 88 would continue to operate in a normal manner because the potentiometer module 84 would continue to send signals of the rotating motor and the CPU would not know there is a problem

Claim 1, and each claim dependent therefrom, is allowable because amended claim 1 includes "wherein the sensor is located away from the motor and near the adjustment member". No prior art of record discloses or reasonably suggests the present invention as defined by amended claim 1. By positioning the sensor away from the motor, the sensor is able to detect actual movement of the assembly rather than the output of the motor. If a connection between the motor and the adjustment member was slipping or completely removed, the controller would know there is a problem based on the signals from the sensor. Reconsideration and withdrawal of the rejection is requested.

Claims 8 and 9 were rejected under 35 U.S.C. 102(2)(b) as being anticipated by Rixon et al. (US 5,722,302).

Claim 8, and each claim dependent therefrom, is allowable because amended claim 8 includes "wherein the rotational sensor is located away from the motor and near the screw". No prior art of record discloses or reasonably suggests the present invention as defined by amended claim 8. By positioning the sensor away from the motor, the sensor is able to detect actual movement of the assembly rather than the output of the motor. If a connection between the motor and the adjustment member was slipping or completely removed, the controller would know there is a problem based on the signals from the sensor. Reconsideration and withdrawal of the rejection is requested.

Claims 10 to 18 were rejected under 35 U.S.C. 102(2)(b) as being anticipated by Rixon et al. (US 5,722,302).

Claim 10, and each claim dependent therefrom, is allowable because amended claim 10 includes “wherein the sensor is spaced-apart from the motor”. No prior art of record discloses or reasonably suggests the present invention as defined by amended claim 10. By spacing the sensor away from the motor, the sensor is able to detect actual movement of the assembly rather than the output of the motor. If a connection between the motor and the adjustment member was slipping or completely removed, the controller would know there is a problem based on the signals from the sensor. Reconsideration and withdrawal of the rejection is requested.

Claim 21 was rejected under 35 U.S.C. 102(2)(b) as being anticipated by Rixon et al. (US 5,722,302).

Claim 21, and each claim dependent therefrom, is allowable because amended claim 21 includes “wherein the sensor is spaced-apart from the motor and located near the screws connected in series”. No prior art of record discloses or reasonably suggests the present invention as defined by amended claim 21. By spacing the sensor away from the motor, the sensor is able to detect actual movement of the assembly rather than the output of the motor. If a connection between the motor and the adjustment member was slipping or completely removed, the controller would know there is a problem based on the signals from the sensor. Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 7, 10 to 16, 18, and 21 to 36 were rejected under the judicially created doctrine of double patenting over claims 1 to 22 of U.S. Patent No. 6,352,007.

Enclosed herewith is a terminal disclaimer pursuant to 37 C.F.R. 1.321(c) which disclaims the statutory term of any patent granted on this application which would extend beyond the full statutory term of patent number 6,352,007. Reconsideration and withdrawal of the rejection is requested.

Claim 7 was rejected under 35 U.S.C. 102(3)(a) as unpatentable over Rixon et al. (US 5,722,302).

Claim 7 is allowable as depending from independent claim 1 which is allowable as discussed in detail above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

Enclosed herewith is a document containing marked-up versions of the changes made to the specification, abstract, and claims by the current amendment. The document is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,  
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Application No. 10/026,499

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

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**IN THE CLAIMS:**

Amendment "A" made the following changes to claims 1, 7, 8, 10, 17, 20, 21, and 22:

1. (amended) A control pedal assembly comprising, in combination:

a pair of control pedals, each of the pair of control pedals having a first support member, an adjustment member and a second support member;

a motor connected to the adjustment member and adapted to move the second support member relative to the first support member;

a sensor located on at least one of the pair of control pedals, the sensor sensing the movement of the second support member relative to the first support member; and

a controller member in communication with the sensor to receive signals from the sensor, wherein the controller member is adapted to stop the motor when signals from the sensor indicate that the second support member is not moving relative to the first member;

wherein the sensor is located away from the motor and near the adjustment member.

7. (amended) The control pedal assembly as claimed in claim 1, further comprising, in combination:

a second sensor located on the other of the pair of control pedals and located away from the motor, the controller member is adapted to determine the position of each of the pair of control pedals based on signals from the sensors to automatically stop the motor when a predetermined fore-aft relationship between the one and other of the pair of control pedals has not been maintained.

8. (amended) A control pedal assembly comprising, in combination:

first and second control pedals, each control pedal comprising a first support, a screw secured to the first support, a nut threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support operatively connected to the

nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw; and

a control system including at least one motor operatively connected to the screws to selectively rotate the screws and axially move the nuts along the screws, a rotational sensor carried by one of the first control pedal and the second control pedal, [to sense rotation of one of the motor and the screw,] and a controller in communication with the sensor to receive signals from the [control device] sensor;

wherein the rotational sensor is located away from the motor and near the screw.

10. (amended) A control pedal comprising, in combination:

a first support;

a screw secured to the first support;

a nut threadably engaging the screw and adapted to move axially along the screw upon rotation of the screw;

a motor operatively connected to the screw to selectively rotate the screw;

a second support operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw; and

a control system including a sensor adjacent one of the first support and the second support, to sense movement of the second support relative to the first support and a controller in communication with the sensor to receive signals from the sensor;

wherein the sensor is spaced-apart from the motor.

17. (amended) The control pedal according to claim 10, wherein the sensor senses rotation of the [one of the motor and the] screw.

20. (amended) The control pedal according to claim 19, wherein the sensor is a rotational sensor and is located near one of the first support and the second support to sense relative rotational movement therebetween.

21. (amended) A control pedal assembly comprising, in combination:

first and second control pedals, each control pedal including a first support, a screw secured to the first support, a nut threadably engaging the screw and adapted to axially move along the screw upon rotation of the screw, and a second support operatively connected to the nut for fore-aft movement of the second support relative to the first support upon axial movement of the nut along the screw; and

a control system including at least one motor operatively connected to the screw on one of the first support and the second support to selectively rotate the screw and axially move the nut along the screw, at least one sensor carried by one of the first control pedal and the second control pedal to sense rotation of the screw of one of the first control pedal and the second control pedal, and a controller in communication with the [control device] sensor to receive signals from the sensor;

wherein the screws of the first and second control pedals are operatively connected to the motor in series such that the screw of the second control pedal is connected to the motor and the screw of the first control pedal is connected to the screw of the second control pedal;

wherein the sensor is spaced-apart from the motor and located near the screws connected in series.

22. (amended) The control pedal assembly according to claim 21, wherein the control system [having] includes another sensor located near the [screw of the other of the second control pedal and adapted to directly sense rotation of the screw of the other of the second control pedal] screws connected in series.